

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LIU WENFANG ,

Plaintiff,

v.

RUSSELL SYLVAN SOEHNER, II,

Defendant.

OPINION and ORDER

Case No. 15-cv-385-wmc

Plaintiff Liu WenFang has filed a proposed civil complaint against Russell Sylvan Soehner II. Liu alleges that Soehner sexually assaulted her on September 8, 2014, and later sought an injunction against her based on false accusations. In her complaint, Liu alleges claims against Soehner for (1) malicious and false accusations and (2) sexual assault.

Because Liu is proceeding without prepayment of the filing fee, the court is required to screen the complaint under 28 U.S.C. § 1915 to determine whether she may proceed with the case. Because she is a pro se litigant, Liu is held to a “less stringent standard” in crafting pleadings. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Even giving Liu every benefit under this relaxed pleading standard, however, the basic alleged facts establish that this court plainly lacks subject matter jurisdiction and must dismiss her lawsuit.

A federal court is one of limited jurisdiction. Generally, this court may only consider cases: (1) that arise under federal law, 28 U.S.C. § 1331; or (2) in which the parties in suit are citizens of different states and the amount in controversy is greater than \$75,000, 28 U.S.C. § 1332. The court does not have jurisdiction under 28 U.S.C. § 1331, as Liu has identified no federal claims in her complaint. Nor can this court discern one from the facts alleged. For example, Liu does not allege that Soehner is a governmental actor, so she cannot

bring claims against him under the United States Constitution; nor do her claims implicate any federal statute. Although Liu alleges that Soehner perpetrated terrible acts against her, any claims she may have against him arise under state law.

Similarly, while a federal court can generally resolve state law claims if there is jurisdiction under 28 U.S.C. § 1332, the court does not have jurisdiction over this case under § 1332, because Liu and Soehner both reside in Wisconsin. Liu lives in Verona, and she alleges that Soehner lives in Madison.

Because this court lacks subject matter jurisdiction over Liu's claims, her complaint must be dismissed. If Liu wishes to pursue her claims, she must do so in state court.¹

ORDER

IT IS ORDERED that plaintiff Liu WenFang's complaint is DISMISSED for lack of subject matter jurisdiction. The clerk of court is directed to close this case.

Entered this 8th day of July, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ The court notes that in addition to monetary relief, Liu seeks in this lawsuit that Soehner be imprisoned. That is relief only a public law enforcement agency could seek. The materials attached to the complaint by Liu appear to indicate that local law enforcement investigated Liu's sexual assault allegations and declined to seek prosecution of Soehner. Regardless, imprisonment is not a remedy that Liu can obtain on her own in a civil lawsuit, be it state or federal.